IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

WP(C).No. 30729 of 2007(G)

PETITIONER:

LAILA, AGED 42, W/O.SULAIMAN,
CHIRAKKAKUDI HOUSE, ALLAPRA KARA,
VENGOLA VILLAGE, KUNNATHUNADU TALUK.

BY ADV. SRI.V.RAJENDRAN (PERUMBAVOOR)
SRI.GEORGE VARGHESE KIZHAKKAMBALAM

RESPONDENTS:

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1. **STATE OF KERALA.**
   REP.BY DISTRICT COLLECTOR,
   ERNAKULAM, CIVIL STATION,
   KAKKANAD.

2. **DEPUTY TAHSILDAR, (REVENUE RECOVERY)**
   KUNNATHUNADU TALUK, TALUK OFFICE,
   PERUMBAVOOR.

3. **VILLAGE OFFICER, VENGOLA VILLAGE**
   OFFICE, VENGOLA.

BY SR.GOVERNMENT PLEADER SRI. MOHANAN V.T.K.for Respondents

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

M.N.KRISHNAN, J

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W.P.(C) No.30729 OF 2007

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Dated this the 17th day of October 2007

JUDGMENT

This writ petition is preferred against the order of the Munsiff's Court, Perumbavoor in I.A.No.2224 of 2007 in O.S.No.281 of 2007. The petitioner is the wife of the defaulter and she had moved an application that the movables attached belong to her and it should be returned to her. The court, after considering the materials, interim arrangement was ordered for the custody of washing machine and fridge. Altogether there are 9 items. The first item is a computer. It is submitted that it is used by her daughter for her studies. It is true that the husband and wife are living under the same roof, but that will not be a conclusive matter to show that all the movables belonging to the husband. It may require detailed enquiry and evidence. But, at this stage, as submitted by the learned counsel for the petitioner that it is desirable that item No.1 in the list, viz., the computer is released to the petitioner on executing a bond with an undertaking that she will produce within a reasonable time after notice and that she will not alienate the computer or damage it. The order with respect to the interim custody of

washing machine and fridge is also sustained. Since the properties are movables, it is desirable that an expeditious disposal is done in the matter and I direct the court below to dispose it of within two months from today. Till that time, let the movables, which are already attached and not released also be retained and it shall not be sold for the above period of two months.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-